



**CITY OF SOUTH DAYTONA  
SPECIAL MASTER CODE ENFORCEMENT  
Minutes**

August 14, 2025 at 9:00 AM  
CITY COUNCIL CHAMBERS  
1672 S. Ridgewood Avenue, South Daytona, Florida

**SPECIAL MASTER: Attorney Matthew Branz, Esquire**

**STAFF:** Josh McEnany, Economic Development Director, Robert Kuhn, Code Compliance Officer, Ben Elkinton, Code Compliance Officer, Matt Miavez, Code Compliance Officer and Becky Witte, Deputy City Clerk.

**CALL TO ORDER:** Special Master Matthew Branz called the City of South Daytona's Special Master Code Enforcement Hearing to Order at South Daytona's City Hall, City Council Chambers, 1672 S. Ridgewood Ave, South Daytona, Florida at 9:02 am.

**PLEDGE OF ALLEGIANCE.**

Special Master Branz welcomed those in attendance to the City of South Daytona Code Enforcement Special Master hearing. He said that today's proceedings are quasi-judicial in nature. Formal rules of evidence do not apply, but fundamental due process will be observed and govern all proceedings, he explained. Mr. Branz said that all testimony is under oath and will be recorded. There is no "public comment" portion of these proceedings, and all participants must have an active role in the case such as staff, respondent, and/or a witness, he said.

Special Master Branz continued to explain that at the conclusion of each hearing, he shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with the powers granted to the Code Enforcement Special Master. The order may include a notice that it must be complied with by a specified date, and that a fine may be imposed, he said.

Special Master Branz advised that if any party decides to appeal any decision made at this meeting, they will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based, per section 286.0105, Florida Statutes.

**OATHS OF THE CITY OFFICIAL, RESPONDENTS AND WITNESSES:** Executed by Deputy City Clerk, Becky Witte

**APPROVAL OF MINUTES FOR: July 10, 2025 Special Master Hearing.** Special Master Branz approved the minutes with minor modifications.

**Item 5: NEW BUSINESS:**

**Case # 25-000255 Owner: CAPUANO MICHAEL**

**Location: 515 BROOK CIR , SOUTH DAYTONA FL 32119 Parcel: 5333-03-04-0050**

**VIOLATION(S):** City of South Daytona Land Development Regulations 7.5(B)(10)(g)(4), Motor vehicle parking limitation on residential property

**Status: Non-compliance**

**Findings of Fact, Conclusions of Law and Order**

Robert Kuhn, Code Compliance Officer, presented the case and requested the property be found in violation.

Respondent was not in attendance.

The Special Master finds based on the testimony and evidence provided the property is found in violation of:

1. City of South Daytona Land Development Regulations, Code 7.5(B)(10)(g)(4) Primary and Accessory vehicles are only allowed to be parked on the hard surface (concrete or asphalt pavement) driveway, parkage area as long as the hard surface driveway is not empty, or behind the front plane of the house. These vehicles may be parked in the side yard behind the front plane of the house of a corner lot abutting a street only if they are obscured by a six foot tall solid fence installed with the required setback as dictated by this Code. The ground beneath any primary or accessory vehicle parked behind the front plane of the house must be maintained in compliance with City regulations.

Based on the testimony and evidence provided, the Special Master found that the property did not come into compliance in a timely manner (by the compliance date of July 18, 2025), but was in compliance as of the date of the hearing. Therefore, if the Respondent repeats the violation within the next five (5) years, the City may request that a Repeat Violation Order be signed by the Special Master at the Special Master Hearing following the occurrence of the repeat violation. Repeat violations can result in a fine as outlined and provided for by law.

The Special Master ordered that a \$125 administrative fee be imposed.

**Case # 25-000264 Owner: GENNARO BARBARA G**

**Location: 520 BLAKE RD, SOUTH DAYTONA FL 32119**

**Parcel: 5328-03-00-0210**

**VIOLATION(S):** City of South Daytona Code of Ordinances 13.21, Vehicles, vessels, etc. must be operational and registered

**Status: Non-compliance**

**Findings of Fact, Conclusions of Law and Order**

Robert Kuhn, Code Compliance Officer, presented the case and requested the property be found in violation.

Respondent Barbara Gennaro (520 Blake Road) was in attendance and provided testimony.

The Special Master finds based on the testimony and evidence provided the property is found in violation of:

1. City of South Daytona Code of Ordinances Code 13.21 Vehicles, vessels, etc. must be operational and registered. It shall be unlawful to locate, store or otherwise place any motor vehicle, vessel, trailer or any other item of personal property which is capable of being licensed or registered under the laws of the State of Florida and which does not bear a current license plate or registration; or which is not capable of being operated because of damage, disassembly or deterioration, provided, however, that no such item of personal property located on private property shall be considered in violation if the item is kept within a garage or similar enclosed structure.

Based on the testimony and evidence provided, the Special Master found that the property did not come into compliance in a timely manner (by the compliance date of July 28, 2025), but was in compliance as of the date of the hearing. Therefore, if the Respondent repeats the violation within the next five (5) years, the City may request that a Repeat Violation Order be signed by the Special Master at the Special Master Hearing following the occurrence of the repeat violation. Repeat violations can result in a fine as outlined and provided for by law.

The Special Master ordered that a \$75 administrative fee be imposed.

**Case # 25-000268      Owner: TRISHNA ENTERPRISES INC**

**Location: 1855 S RIDGEWOOD AVENUE, SOUTH DAYTONA FL 32119      Parcel: 5344-16-00-0442**

**VIOLATION(S): City of South Daytona Code of Ordinances 13(V)(13-62), Chronic Nuisance Premises - Monthly Allowance**

**Status: Non-compliance**

**Findings of Fact, Conclusions of Law and Order**

Josh McEnany, Economic Development Director, presented the case and requested the property be found in violation.

George Guiser (Manager of the Red Carpet Inn, South Daytona) and Respondent Ningan Patel (owner of Trishna Enterprises Inc) was in attendance and provided testimony.

The Special Master finds based on the testimony and evidence provided the property was found in violation of:

1. City of South Daytona Code of Ordinances, Code 13(V)(13-62), Chronic Nuisance Premises - Monthly Allowance. The city council has determined that the below schedule is a reasonable and permissible number of nuisance activities calls for city law enforcement, fire rescue, and/or code enforcement personnel to respond to any property in the city. The monthly allowance shall be the combined total of both law enforcement, fire rescue, and code enforcement service calls. 1—50 living units 3 service calls per month 51—150 living units 4 service calls per month 151—200 living units 5 service calls per month More than 200 living units 6 service calls per month.

Based on the testimony and evidence provided, the Special Master found that the property did not come into compliance in a timely manner, but was in compliance as of the date of the hearing. Therefore, if the

Respondent repeats the violation within the next five (5) years, the City may request that a Repeat Violation Order be signed by the Special Master at the Special Master Hearing following the occurrence of the repeat violation. Repeat violations can result in a fine as outlined and provided for by law.

**Old Business:**

**Case # 23-000057      Owner: WENZ TIMOTHY**

**Location: 917 DUNCAN RD , SOUTH DAYTONA FL 32119**

**Parcel: 5342-09-00-0050**

**VIOLATION(S):**

1. International Property Maintenance Code 302.7, Accessory structures

Comments: fence is dilapidated and needs removed or repaired with appropriate permits

**Status: Request Order of Compliance**

Ben Elkington, Code Compliance Officer, said this case came on for public hearing on April 13, 2023, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated April 13, 2023, where the property was found in violation. He said the property remains in violation.

Respondent was not in attendance.

Based on the testimony provided, the Special Master Branz declared the property to be in compliance and that pending violation proceedings before the Special Master are concluded with no fine due.

**Case # 25-000193      Owner: SMITH JEFFREY**

**Location: 330 OLIVE ST , SOUTH DAYTONA FL 32119**

**Parcel: 5344-04-00-0310**

**VIOLATION(S):** City of South Daytona Code of Ordinances 16-19(13)(a), Rental dwellings BTR required

**Status: Non-Compliance – Request Order of Imposing Fine / Lien**

Matt Miavez, Code Compliance Officer, said this case came on for public hearing on July 10, 2025, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated July 10, 2025, where the property was found in violation. He said the property remains in violation.

Respondent was not in attendance.

Special Master Branz found that the property was not in compliance by July 25, 2025 at 4:00pm. The property remains in violation of the following:

City of South Daytona Code of Ordinances Section 16-19 (13) Rental dwellings. a. Local business tax receipt required: It shall be unlawful for any owner of residential property to rent or lease, or offer to rent or lease (throughout this subsection (13) the terms "rent" and "lease" are synonymous; as are the terms "to rent or lease" and "to offer to rent or lease") therein any dwelling or dwelling unit(s), whether single-family, duplex, triplex, multi-family, apartment, condominium, or more than one (1) room, etc., unless a current local business tax receipt therefore has been issued by the city, a copy of which is to be available at the structure in which the dwelling unit(s) is located. There is no requirement for there to be a written lease or any evidence on monetary payment to establish a rental arrangement. A rental arrangement shall be presumed to exist when someone is residing in a residential structure who is not the owner of the property and someone with an ownership interest is also not residing in said structure at the same time.

Special Master Branz said that a fine of \$100.00 per day for violations, plus a \$125 Administrative Fee shall be imposed. These fines shall begin July 26, 2025 and continue to accrue against the property until said property is brought into compliance.

**Case #** 25-000206      **Owner:** ABIDIN ROBERT, ABIDIN CAROLYN

**Location:** 1976 BIG OAK DR, SOUTH DAYTONA FL 32119

**Parcel:** 5344-26-00-0880

**VIOLATION(S):**

1. International Property Maintenance Code 302.1, Sanitation
2. Land Development Code 5.6(e)(5)(a), Fence Condition

**Status:** Request Order of Compliance

Ben Elkington, Code Compliance Officer, said this case came on for public hearing on July 10, 2025, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated July 10, 2025, where the property was found in violation.

Special Master Branz found based on the testimony presented that the property was in compliance by August 4, 2025 for following:

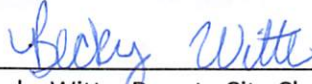
1. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.1: Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.
2. City of South Daytona Land Development Regulations Section 5.6(E)(5)(a). *Design and maintenance*. All fences shall be maintained in their original upright condition.

Special Master said the Respondent is declared to be in compliance and that pending violation proceedings before the Special Master are concluded with no fine due.

**NEXT MEETING:** September 11, 2025

**ADJOURNMENT.** Hearing adjourned at 9:42 am.

Respectfully submitted,

  
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Becky Witte, Deputy City Clerk